HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.17643 of 2005

Dated 19th September, 2005

Between:

K.Sundara Raju,

S/o.Nagaraju, aged 58 years,

F.P.Shop Dealer, R/o.Kotha Indlu (v)

Punganur Mandal, Post: Chittoor Dist. .. Petitioner

And

The Joint Collector, Chittoor

and three others .. Respondents

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W.P.No.17643 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the 4th respondent in locking and sealing the Fair Price shop No.24, Kotha Indlu village, Punganur Mandal, Chittoor District including the seizure of stock of 6.48 quintals of rice and 660 litres of kerosene from the petitioner's shop as illegal and arbitrary.

The learned counsel for the petitioner has contended that the kerosene was not measured in the presence of the petitioner and a copy of panchanama was not given to him, and therefore, he prays to direct the respondents to measure the kerosene in his presence.

On the other hand, the respondents filed counter affidavit stating that the panchanama was prepared in the presence of the mediators and also a copy of the panchanama was served on the petitioner on 31.7.2005.

As seen from the counter affidavit, the variation is with regard to the kerosene oil only. Admittedly, the petitioner lifted 1800 litres of kerosene oil and distributed 946 litres from 20.7.2005 to 27.7.2005 and found 660 litres of kerosene as ground balance in the Fair Price Shop, but the same did not tally with the stock, sales registers and there is a variation of stock of 194 litres of kerosene. Since the respondents stated that the panchanama was prepared in the presence of both the mediators and the petitioner, and a copy of the panchanama was also given to the petitioner, there is nothing to direct the respondents to measure the kerosene again. However, it is left open to the 1st respondent-Joint Collector to take appropriate decision. The petitioner gave a representation to the 1st respondent to take appropriate action. The dealership of the petitioner is suspended pending enquiry.

In the circumstances, it is appropriate to direct the 3rd respondent-Revenue Divisional Officer to compete the enquiry within a period of two months after affording a reasonable opportunity to the petitioner. Inasmuch as there is no variation with regard to the quantity of rice, the Joint Collector shall take appropriate decision in releasing the rice to the petitioner.

The writ petition is disposed of in terms of the above direction. No costs.

19.09.2005

bcj

Note: Furnish copy within three days

b/o

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